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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,365	08/19/2003	Raymond Guimont	6579-99-1	4827

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EXAMINER	
CHOI, STEPHEN	

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/643,365	GUIMONT, RAYMOND	
	Examiner	Art Unit	
	Stephen Choi	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *11* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 15-17* is/are rejected.

7)☒ Claim(s) *5-10,12-14 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/27/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Guimont et al. (US 6,851,190).

Guimont discloses all the recited elements of the invention including a razor head having at least one blade (e.g., 20a, 20b), a shaving aid delivery system disposed within the razor head including a supply of at least one shaving aid fluid (e.g., 300), a microfluidic circuit (e.g., col. 9, lines 53-61), a plurality of outlet ports (e.g., at 68a-c), and a transport system (e.g., 65).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schauble (US 4,809,432) in view of McNeely et al. (US 2004/0109793).

Schauble discloses the invention substantially as claimed including a razor head having at least one blade (e.g., 14), a shaving aid delivery system disposed within the razor head, the shaving aid delivery system including a supply of at least one shaving aid fluid including a first substrate (e.g., 66), a second substrate (e.g., 36), and a third substrate (e.g., 22) connected together in a stacked array wherein a fluid circuit between the first substrate and the second substrate (Figure 2), a plurality of outlet ports (e.g., at 48, 50, 52, 54), and a transport system (e.g., 34). Schauble fails to disclose a microfluidic circuit. McNeely teaches the use of a microfluidic circuit is old and well known in the fluid control art for providing a fluid control circuit in microscale. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Schauble with a microfluidic circuit as taught by

McNeely in order to provide microchannels for consistently and evenly deliver shaving aid. Regarding claim 15, 12.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schauble in view of McNeely as applied to claim 1 above, and further in view of Prochaska (US 6,473970)

The modified device of Schauble discloses the invention substantially as claimed except for the shaving aid selected from the group as claimed. However, Prochaska teaches the use of polyethylene oxide, aloe, or vitamin E as a shaving aid is well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a shaving aid as taught by Prochaska on the modified device of Schauble as a shaving emollient.

Allowable Subject Matter

6. Claims 5-10, 12-14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 29 September 2005 have been fully considered but they are not persuasive.

Applicant contends that Schauble and McNeely do not suggest or motivate combination of the references. Furthermore, McNeely teaches away from use of microfluidic devices in razor applications because McNeely is related to microfluidic structure in the bio-chemistry and Schauble fails to teach a shaving aid delivery system

disposed within the razor head since a supply of shaving aid in the handle. Schauble also teaches away from a transport system, disposed in the razor head, for driving the shaving aid fluid.

The examiner respectfully disagrees. As set forth above, Schauble does teach a shaving aid delivery system disposed within the razor head wherein the shaving aid delivery system including a supply of at least one shaving aid fluid (a supply of at least one shaving aid fluid is within the element 22, see Figure 4), a plurality of outlet ports e.g., at 48, 50, 52, and 54), and a transport system (e.g., 34). Furthermore, the reference to McNeely concerns with fluid control structure and teaches that the use of microfluidic circuits as old and well known in the fluid control art for providing a fluid control circuit in microscale (see paragraph 16). Thus, the reference to McNeely is reasonably pertinent to the particular problem with which the applicant was concerned and one of ordinary skill in the razor art would have been motivated to incorporate the teachings of McNeely on the device of Schauble in order to provide microchannels for consistently and evenly deliver shaving aid.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sc
5 December 2005

STEPHEN CHOI
PRIMARY EXAMINER